

2.0 Interagency Consultation Procedures (*Working Paper 2*)

2.1 Introduction

Working Paper 2 (WP-2) focuses exclusively on the interagency consultation component of transportation conformity¹. The objective of WP-2 is to assist the Arizona Department of Transportation (ADOT) in creating processes that:

1. Meet or exceed federal requirements and are suitable for a State Implementation Plan (SIP) submission.
2. Maximize the use of existing state and Metropolitan Planning Organization (MPO) processes.
3. Are applicable to metropolitan and rural areas.
4. Are flexible to meet future needs and opportunities.
5. Nest within existing ADOT processes to the maximum extent feasible.

WP-2 was generated based on feedback received on Interim Working Paper 2 (IWP-2), which outlined existing state and federal requirements, provided an overview of processes in other states, and concluded with a recommended approach for meeting interagency consultation and Conformity SIP requirements. The document was shared with ADOT and stakeholders to guide the selection of an approach to be used to satisfy federal requirements and streamline Arizona's interagency consultation process.

The goals of WP-2 are to clearly identify the need for an Arizona Conformity SIP and to provide final recommendations regarding the update of ADOT's existing interagency consultation procedures to ADOT / Stakeholders.

2.2 Review of Existing Requirements and Practices

2.2.1 Federal Regulations and Guidance

The federal conformity rule (40 CFR 93), in addition to any existing applicable state requirements, establish the conformity criteria and procedures necessary to meet the requirements of the Clean Air Act section 176(c) until such time as EPA approves a conformity state implementation plan (Conformity SIP) required by [40 CFR 51.390](#).

Arizona does not currently have an EPA approved Conformity SIP. Conformity SIPs are required under the Clean Air Act and the regulations that explain the requirements can be found in the conformity rule ([40 CFR 51.390](#)). While EPA has not taken action to penalize Arizona, they have the authority, under the Clean Air Act, to do so.

Conformity SIPs are **REQUIRED**
under the Clean Air Act.

Transportation conformity regulations ([40 CFR 93.105](#)) require interagency consultation and outline general factors, specific procedures, resolution of conflicts, and public consultation procedures. Further, the

¹ General definitions and descriptions regarding transportation conformity can be found in Working Paper 1, while more detailed information will be covered in Working Papers 3 and 4.

regulations require the development of a state implementation plan ([40 CFR 51.390](#)) which must include procedures to be undertaken before making conformity determinations or developing implementation plans. Agencies involved should include MPOs, state departments of transportation, and FHWA / FTA, state and local air quality agencies, and EPA.

Interagency consultation is required in all nonattainment and maintenance areas where conformity applies and ensures that agencies involved in the conformity process meet regularly, share information, and identify key issues early in the conformity process. Additionally, the process ensures that schedules are coordinated for transportation plan / transportation improvement program (TIP) conformity determinations and SIP development.

Interagency consultation procedures for a nonattainment or maintenance area are formally integrated into the Conformity SIP, and are legally enforceable. A state’s Conformity SIP, or the federal regulations ([40 CFR 93.105](#)) govern the decision-making process and specifically require that a process be established to evaluate and choose a model, associated methods, and any assumptions that will be used in the regional emissions analysis. Figure 2-1 outlines some of the general and specific processes identified in the conformity rule.

Figure 2-1: General and Specific Interagency Consultation Requirements

Federal Conformity Rule General and Specific Interagency Consultation Requirements	
General	Specific
<ul style="list-style-type: none"> ✓ Agency Roles & Responsibilities for each Stage of the Planning Process ✓ The Organizational Level for Regular Consultation ✓ A Process for Circulating Documents ✓ Frequency of and Process for Convening Meetings ✓ A Process for Responding to Comments of Involved Agencies ✓ A Process for the Development of TCMs 	<ul style="list-style-type: none"> ✓ Evaluating and Choosing a Model and Associated Methods and Assumptions for Regional and Project-Level Analyses ✓ Determining which Minor Arterials and Other Transportation Projects should be Considered “Regionally Significant” ✓ Evaluating whether Projects Otherwise Exempt should be Treated as Non-Exempt ✓ Reevaluating TCMs with Respect to Delays ✓ Evaluating Conformity Triggers ✓ A Process for Providing Final Documents

In January 2009, EPA issued a guidance document, [Guidance for Developing Transportation Conformity State Implementation Plans \(SIPs\)](#), designed to provide guidance on the statutory and regulatory requirements for states to develop conformity state implementation plans.

The Clean Air Act Section 176(c)(4)(E) and section 51.390(b) of the conformity rule now require states to submit Conformity SIPs that address only the following provisions of the federal conformity rule:

- [40 CFR 93.105](#), which addresses consultation procedures

- [40 CFR 93.122\(a\)\(4\)\(ii\)](#), which states that Conformity SIPs must require that written commitments to control measures be obtained prior to a conformity determination if the control measures are not included in a MPOs transportation plan and TIP, and that such commitments be fulfilled; and
- [40 CFR 93.125\(c\)](#), which states that Conformity SIPs must require that written commitments to mitigation measures be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

Appendix B includes a [detailed checklist](#), which was developed by EPA and completed by ADOT. The checklist is intended to guide state and local agencies as they establish or revise a Conformity SIP and to help ensure that all relevant conformity rule requirements (40 CFR 93) are addressed

In July 2012, EPA issued a guidance document, [Guidance for Transportation Conformity Implementation in Multi-Jurisdictional Nonattainment and Maintenance Areas](#), designed to provide transportation conformity guidance for areas where multiple MPOs, state, and/or other agencies have jurisdiction in a nonattainment or maintenance area.

The agencies responsible for the conformity determination and regional emissions analysis in multi-jurisdictional nonattainment and maintenance areas must develop interagency consultation procedures to address certain decisions including:

- The timing of individual transportation plan and TIP conformity determinations in those circumstances where they need to be coordinated;
- The analysis years that will be examined in the regional emissions analysis;
- The agency that will analyze emissions for any donut area that is part of the nonattainment or maintenance area;
- The emissions model to be used for the regional emissions analysis, in the case where there is more than one model that could be used (e.g., during a new model grace period);
- The planning assumptions to be used in the regional emissions analysis and the sources of that information.

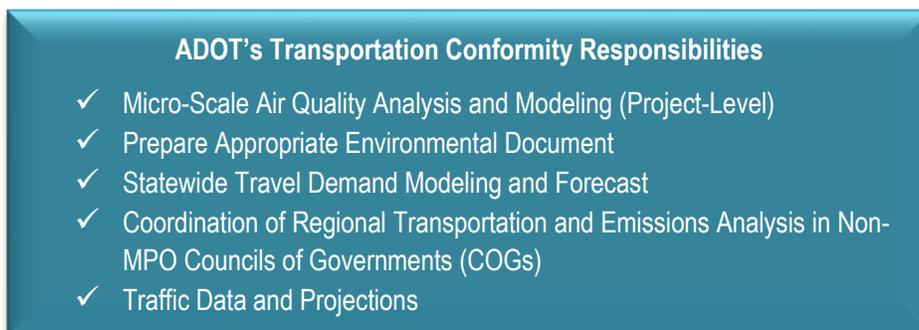
Per 40 CFR 93.105(b)(1), state air agencies must use the interagency consultation process in developing SIP budgets, including establishing subarea budgets for MPOs or individual state budgets in multi-jurisdictional areas.

Existing Arizona Regulations and Procedures

In April 1995, the Arizona Department of Environmental Quality (ADEQ) adopted transportation conformity rules as required under Section 176(c) of the 1990 Clean Air Act Amendments. The rules were published (adopted effective) in the Arizona Administrative Code ([AAC Title 18, Chapter 2, Article 14](#)). The Arizona Conformity Rules have not been formally adopted by EPA and, as a result, the federal conformity rule, ([40 CFR Parts 51 and 93](#)) updated in April 2012, is currently used by Arizona. Appendix B includes a comparison between the federal conformity rule (in the form of a checklist developed by EPA) and the AAC, which was developed by ADOT. The comparison includes notes regarding ADOT's recommended updates to the AAC based on the most recent EPA guidance. A matrix detailing specific Arizona air quality agency planning and

implementation responsibilities (January 2013) is included as Appendix B. The matrix highlights the general responsibilities assigned to the following entities: ADEQ, ADOT, Counties, EPA, FHWA, MPOs, and Tribes. ADOT’s responsibilities with respect to transportation conformity are outlined in Figure 2- 2.

Figure 2- 2: ADOT’s Transportation Conformity Responsibilities



Subsequent to the Arizona conformity rule adoption in the AAC, ADOT issued two interagency consultation guidance documents:

[Arizona Department of Transportation Conformity Guidance and Procedures Required under Arizona Administrative Code Sections R18-2-1405 \(R\) and R18-2-1429 \(D\)](#) which outlines project-level procedures for determining whether a project is regionally significant and performing a conformity analysis / determination if required. This guidance only applies to PM₁₀ areas that are outside of the following MPOs, Maricopa Association of Governments (MAG), Pima Association of Governments (PAG), and the Yuma Metropolitan Planning Organization (YMPO).

[ADOT Conformity Consultation Processes for the Nonattainment Areas Outside of a Metropolitan Planning Organization as Required under Arizona Conformity Rule](#) which documents ADOT’s interagency consultation processes for PM₁₀ areas outside of MPOs. The guidance specifically addresses subsections C, M, N, O, and R of Arizona’s Conformity Rule (R18-2-1405).

The guidance documents provide a background regarding Arizona policies, but must be updated to reflect Arizona’s current air quality status and to meet the requirements of the current conformity rule using the most recent EPA guidance.

There are sixteen nonattainment areas in Arizona, comprised of partial sections of nine separate counties, which require transportation conformity. The areas are covered by three MPOs or COGs and three of the counties also have county air pollution control agencies.

	MPO / COG Area	County (ies)	Pollutants	Both Regional & Project-Level	Project-Level Only
Larger MPOs	MAG	Maricopa	CO, Ozone, PM ₁₀ , PM _{2.5}	X	
	PAG	Pima	CO, PM ₁₀	X	

Smaller MPOs / COGs	CAG	Pinal Gila	PM ₁₀	X	
	SCMPO	Pinal	PM _{2.5} , PM ₁₀	X	
	SEAGO	Santa Cruz Cochise	PM _{2.5} , PM ₁₀	X	
	WACOG	Mohave	PM ₁₀		X
	YMPO	Yuma	PM ₁₀	X	

provides a streamlined outline of the MPO / COG areas and corresponding counties which are currently required to perform regional and project-level conformity determinations.

Table 2-1: Current Regional and Project-Level Conformity Requirements in Arizona

	MPO / COG Area	County (ies)	Pollutants	Both Regional & Project-Level	Project-Level Only
Larger MPOs	MAG	Maricopa	CO, Ozone, PM ₁₀ , PM _{2.5}	X	
	PAG	Pima	CO, PM ₁₀	X	
Smaller MPOs / COGs	CAG	Pinal Gila	PM ₁₀	X	
	SCMPO	Pinal	PM _{2.5} , PM ₁₀	X	
	SEAGO	Santa Cruz Cochise	PM _{2.5} , PM ₁₀	X	
	WACOG	Mohave	PM ₁₀		X
	YMPO	Yuma	PM ₁₀	X	

In addition to the AAC and the ADOT guidance documents, Table 2-2 summarizes the areas of the state that have either conformity resolutions or conformity plans for transportation projects in PM₁₀ nonattainment areas and the dates of the resolution or plan if available. These resolutions and conformity plans are out of date and, in some cases; do not reflect current air quality status information.

Table 2-2: Areas with Existing Conformity Resolutions or Conformity Plans

County / City	MPO/COG	Areas	Year
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Areas with Existing Conformity Resolutions			
Gila	CAG	Hayden Payson	1997
Mohave	WACOG	Bullhead City	1998
Cochise	SEAGO	Paul Spur / Douglas	1997
Areas with Existing Conformity Plans			
City of Nogales (Santa Cruz County)	SEAGO	Nogales	NA*
City of Douglas (Cochise County)	SEAGO	Douglas	NA*
City of Bullhead City (Mohave County)	WACOG	Bullhead City	NA*

* NA = Not Available.

Conformity resolutions are enacted by County Boards of Supervisors, signed by the County Chairmen, Clerks and Attorneys, and affirm the following:

1. Acknowledgement that the County has been consulted by the lead agency (ADOT) in the development of the transportation conformity plan for the Nonattainment Area;
2. Concurrence in defining all regionally significant transportation corridor(s) in the Nonattainment Area;
3. Concurrence that ADOT shall have original and primary responsibility for transportation conformity planning with respect to the regionally significant transportation corridor(s) defined in the Resolution;
4. Concurrence that projects less than a given distance (e.g. one mile in length) of the defined regionally significant transportation corridor(s) should be exempted from the transportation conformity planning requirements; and
5. Designation of the County's liaison for future transportation conformity-related analyses and consultation.

Conformity Plans are the direct result of the Conformity Resolutions. They declare that transportation projects determined to be regionally significant shall follow all applicable ADEQ and ADOT rules and procedures. In addition, they outline regionally significant corridors, the conditions under which a project on those corridors should be considered regionally significant, and identify the appropriate County point of contact.

2.3 Review of Other States' Consultation Procedures and Documents

A Synopsis of State Consultation Requirements and a State-by-State Comparison Matrix were delivered to ADOT on February 5, 2013. This section includes a brief summary of the areas determined to be most useful for informing ADOT's interagency consultation (ICG) procedures and Conformity SIP updates.

The three states considered for comparison were Maryland, Pennsylvania and Virginia. New Jersey was also investigated, but not included in the comparison matrix due to the dissimilarities between the nature of New Jersey's nonattainment areas / jurisdictions and Arizona's.

2.3.1 Maryland

Maryland addresses interagency consultation requirements through an approved Conformity SIP ([76 FR 59252](#)) and the Code of Maryland Regulations ([COMAR 26.11.26](#)). There are five areas in Maryland which require regional conformity; three of those areas also require project-level conformity.

Large (robust) MPO Areas

Of the five areas which require transportation conformity, four are completely included in MPOs, which are responsible for leading the interagency consultation process. Two of these MPOs (Baltimore and Washington) are robust and possess the capability to maintain their travel demand models, conduct regional and project-level conformity analyses, meet public involvement requirements, and document the conformity process with little to no support from the Maryland Department of Transportation (MDOT). As a voting Board member and MPO Technical Committee member, MDOT’s primary responsibility is to attend interagency consultation meetings and review all materials provided by the MPOs. The interagency consultation groups for each MPO meet monthly. The Baltimore MPO is comprised of Baltimore City and five counties, all within the State of Maryland, which correspond to the borders of the nonattainment / maintenance areas for ozone and PM_{2.5}. The Washington MPO and nonattainment / maintenance area for ozone and PM_{2.5} includes counties and localities in two states and the District of Columbia.

Small MPO Areas

There are two MPOs in Maryland (Hagerstown and Cecil) that are responsible for leading the interagency consultation process, but are not sufficiently robust to manage all the technical aspects of conformity. The Hagerstown area convenes interagency consultation meetings as needed and ensures that public consultation requirements are met, but requires MDOT’s assistance to maintain the travel demand model, conduct emissions analyses and document the conformity process. The MPO area spans three states and is comprised of three full counties and one partial county. These boundaries are not the same as the nonattainment area boundary, which consists of two counties in different states. Similarly, the Cecil area MPO requires technical assistance from MDOT to maintain the travel demand model, conduct regional emissions analyses, and document the conformity process for the Maryland portion of the MPO. The MPO is comprised of two counties located in two states and holds interagency consultation meetings monthly

Non-MPO Areas

There is one rural area in Maryland (Kent and Queen Anne’s Counties) which relies on MDOT to lead the interagency consultation process, maintain the travel demand model, conduct regional emissions analyses, and document the conformity process. The nonattainment area is comprised of two counties, both within Maryland. County representatives from each county are responsible for ensuring public consultation procedures are followed throughout the conformity process.

Figure 2-3 highlights some of the potential advantages and disadvantages of Maryland’s interagency consultation approach.

Figure 2-3: Maryland’s Interagency Consultation Approach – Potential Advantages and Disadvantages



2.3.2 *Pennsylvania*

Interagency consultation requirements are addressed through a Conformity SIP and individual Memorandums of Understanding (MOU) in Pennsylvania. In addition, the Pennsylvania Department of Transportation (PennDOT) is the lead agency responsible for required interagency consultation across 38 counties in 15 MPOs and 8 Rural Planning Organizations (RPOs). The Pennsylvania Transportation-Air Quality Working Group meets quarterly to discuss transportation air quality issues including conformity. The Working Group structure allows for standardized documents, data, and data development methodologies, which support not only transportation conformity, but the development of triennial emissions inventories and motor vehicle emissions budgets (MVEBs) as well. Subarea MVEBs are used for all pollutants in all relevant areas to ensure MPO / RPO autonomy, as nonattainment and maintenance area boundaries are generally different from MPO / RPO boundaries. This minimizes interagency consultation once SIPs and MVEBs are in place.

In addition, the Working Group has streamlined project reviews and classification by developing several key documents related to conformity, including:

- Conformity SIP and associated MOUs with each MPO, RPO, and the state environmental agency
- Project Review and Classification Guidelines for Regional Air Quality Conformity
- PennDOT Air Quality Manual
- [Project-Level Screening Process Guidelines](#)

Large (robust) MPO Areas

Pennsylvania refers to larger, more robust MPOs as “Scenario 2” agencies. Seven MPOs fall into this category. These seven each maintain their own travel demand models and six of the seven use PennDOT-supplied tools to perform travel and air quality modeling activities. The Philadelphia MPO includes counties in two states (Pennsylvania and New Jersey), and the nonattainment / maintenance areas span Pennsylvania, New Jersey, Delaware, and Maryland, and include consultation linkages to the North Jersey and New York-Connecticut areas. Scenario 2 agencies attend the quarterly interagency consultation process.

Small MPO Areas

Small MPOs and RPOs are referred to as Scenario 1 agencies. These agencies rely on PennDOT to perform all technical and most programmatic services related to mobile source air quality issues, including maintaining travel demand models, conducting emissions analyses, documenting the conformity process and leading interagency consultation. These agencies are welcome to attend the quarterly interagency consultation meetings, but typically attend only the biennial conformity kick-off meetings.

Figure 2-4 highlights some of the potential advantages and disadvantages of Pennsylvania’s interagency consultation approach.

Figure 2-4: Pennsylvania’s Interagency Consultation Approach – Potential Advantages and Disadvantages

Pennsylvania Interagency Consultation Process	
Potential Advantages	Potential Disadvantages
<ul style="list-style-type: none">✓ Standardized Process Across all Areas✓ Minimization of Conformity Determinations through Project Tracking & Communication✓ Streamlined Project Reviews & Classification✓ Centralized and Uniform ICG Process via DOT	<ul style="list-style-type: none">✗ State & Federal Staff Must Attend Multiple Meetings

2.3.3 Virginia

Virginia addresses interagency consultation requirements through an approved Conformity SIP ([76 FR 64823](#)), the Code of Virginia ([9VAC5-151](#)), and MOUs, which include nonattainment area-specific consultation procedures. There are five areas in Virginia that require regional conformity; one of those areas also requires project-level conformity. It is the affirmative responsibility of the lead agency to initiate and conduct the interagency consultation process. MPOs are the lead agencies in larger metropolitan areas and Virginia Department of Transportation (VDOT) is the lead agency in non-MPO areas. Subarea MVEBs are not utilized in Virginia and require the coordination of TIP and Plan amendments and updates in order to smoothly accomplish regional conformity determinations.

The overall consultation process is governed by Virginia's Conformity SIP, which includes state regulations. The regional Conformity SIP and state regulations specify the basic procedures, roles, and responsibilities per 40 CFR 93.105:

- Interagency process
- Conflict resolution
- Models and input data
- Public consultation among agencies and with federal agencies
- TCMs
- Transportation plans, TIPs, and associated conformity

Individual MOUs implement the local consultation procedures documents which recite 40 CFR 93.105 and describe how each requirement will be implemented. The procedures documents identify agency-specific responsibilities for each action or step of the process. Major and/or unique components of the document and process include:

- Identification by name of all local and regional agencies involved (including the local members of each MPO).
- Listing of planning steps, identification of which steps require ICG approval and timeframe for each.
- Identification of non-applicable sections of 93.105 (e.g., PM_{2.5} or PM₁₀ issues when the area is not subject to these by virtue of an ozone designation only).
- A dispute resolution process and identified participants for. This process must be utilized prior to the overall state conformity regulations dispute resolution process that involves the Governor.

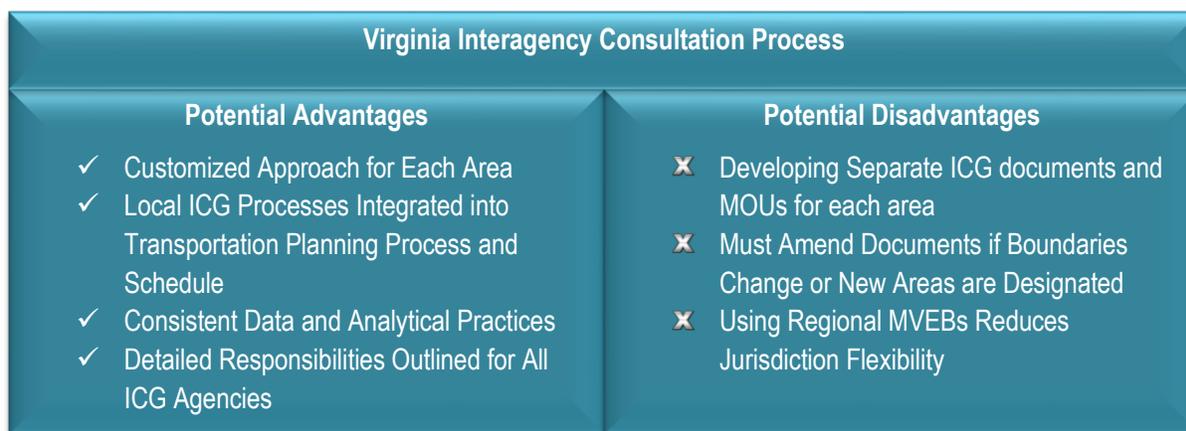
Finally, Virginia has accomplished several streamlining procedures for the NEPA process and project-level analyses. These include the following agreements with FHWA:

- *Project-level CO Air Quality Studies Agreement* – Includes projects of limited scope and expected air quality impacts. Projects which meet specified requirements, including certain thresholds, are exempted from additional analysis, or a qualitative analysis.
- *No-Build Analysis Agreement for Air and Noise Studies* – Is applicable to projects which qualify for a CE or EA under NEPA and minimizes the need for analysis of the no-build alternative for transportation projects which require a CO air study.

- *Procedures for Updating Air Studies when New Planning Assumptions Become Available* – Specifies the conditions under which a current air study needs to be updated if an inactive project is reactivated, or when the design year and traffic data are updated due to project delays.
- *Programmatic Categorical Exclusion Agreement* – Lists twenty project categories as programmatic categorical exclusions (CEs), which do not normally required further federal NEPA approvals.

Figure 2-5 highlights some of the potential advantages and disadvantages of Virginia’s interagency consultation approach.

Figure 2-5: Virginia’s Interagency Consultation Approach – Potential Advantages and Disadvantages



2.4 Recommendations

As outlined above, Arizona’s nonattainment areas are geographically diverse and are governed by local organizations (MPOs, COGs and County Air Quality Pollution Control Agencies), which possess varying levels of expertise and capacity. The two largest MPOs, the Maricopa Association of Governments (MAG) and the Pima Association of Governments (PAG), possess greater technical capability and the ability to maintain a travel demand model, conduct regional and project-level conformity analyses, meet public involvement requirements, and document the conformity process with little to no support from ADOT. Smaller MPOs and COGs do not have the same capabilities and rely on ADOT to perform most, if not all, facets of the conformity analysis and interagency consultation processes.

The following recommendations include suggestions for meeting federal interagency consultation requirements, as well as updating and streamlining existing Arizona processes based on ADOT / stakeholder preferences and examples from other states.

1. Update existing ADOT consultation procedures.

- a. Current procedures only cover areas outside of MPOs; distinguish ADOT responsibilities between MPOs and non-MPOs to ensure that all ADOT consultation procedures are captured in one document.
- b. Clearly identify roles and responsibilities of all relevant agencies.
- c. Add explicit public consultation procedures.
- d. Add a procedure for resolving conflicts.
- e. Update procedures to more accurately reflect ADOT's responsibilities regarding SIP development (R18-2-1405(C)(1)), particularly the development of MVEBs. Currently, ADOT has only developed a process for R18-2-1405(C)(4) and (6), the statewide transportation plan and STIP and all transportation conformity determinations, respectively.
- f. Incorporate references to chosen SIP enforcement mechanism (see options below).

2. Develop a Conformity SIP that meets federal requirements utilizing the most up to date federal guidance.

A Conformity SIP can be adopted as a state rule, as a memorandum of understanding (MOU) or a memorandum of agreement (MOA). The appropriate form of the state conformity procedures depends on the requirements of local or state law, as long as the selected form complies with all CAA requirements for adoption, approval by EPA, and implementation of SIPs. EPA will accept state Conformity SIPs in any form provided the state can demonstrate to EPA's satisfaction that, as a matter of state law, the state has adequate authority to compel compliance with the requirements of the Conformity SIP.

The Conformity SIP does not have to be a lengthy document, but it must affirm the enforceability of the consultation procedures and it must include state-specific interagency consultation procedures. Arizona has several options for fulfilling the Conformity SIP requirement:

a. Revise existing COG and MPO Annual Work Programs to Include Interagency Consultation Procedures.

This approach is akin to developing a MOU/MOA. Each COG and MPO has an annual work program (WP) which is prepared by the ADOT Multimodal Planning Division (ADOT MPD) and defines the annual (state fiscal year) goals, objectives and required elements to be undertaken with federal funds distributed by ADOT. ADOT MPD and MPO / COG officials approve (sign) the WP and budget.

There are several ways to integrate interagency consultation into the WP and the specificity may vary between each MPO and COG. For example, interagency consultation may represent a new, stand-alone work element within the WP. Alternatively, it may be included under an existing work element, such as the TIP development or regional planning coordination, and required only when air quality appears on the MPO/COG agenda.

For illustrative purposes, a sample of the SouthEastern Arizona Governments Organization (SEAGO) Annual Work Program for state fiscal year 2014 (July 1, 2013 – June 30, 2014) has been provided in Appendix B.

b. Update the existing Arizona Conformity Rule.

- i. This recommendation is contingent upon either the legislature's (in lieu of a state agency) ability to approve the rulemaking change or waiting until the moratorium on state agency rulemakings is lifted, after December 31, 2014.
- ii. Utilize the comparison table in Appendix B to propose language updates and process streamlining to the Arizona Conformity Rule.
- iii. Ensure PM_{2.5} is included in the Conformity Rule, particularly in the Applicability Subsection (R18-2-1402 (D)), and anywhere project-level conformity is addressed.
- iv. Add language for inclusion of all criteria pollutants and areas of the state without formal regulatory amendments, should additional nonattainment designations for pollutants or areas occur.
- v. If the Conformity SIP is in the form of a state rule, then any new agencies not previously covered by the conformity rule are automatically covered by the rule. This could happen if an area that has never been subject to conformity before were to become a newly designated nonattainment area.

Following the development of an MOU / MOA or revisions to the Arizona Conformity Rule, ADEQ and ADOT should collaborate to develop a Conformity SIP (in consultation with EPA, FHWA, FTA and local air quality and transportation agencies) for submission to EPA.

Providing a simple background document and attaching the MOU / MOA or updated Arizona Conformity Rule should satisfy EPA's Conformity SIP requirements.

3. **Consider formal differentiation of areas** such that ADOT is a key member of the interagency consultation process in areas with independent technical capabilities and legal authority (e.g., MAG), and leads the technical and interagency consultation processes in areas with limited technical expertise and / or capacity (i.e., small MPOs and rural areas). Differentiation of the areas may be through the SIP document or an MOU / MOA executed among the parties, of which the latter approach provides more flexibility.